

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

Michael Tate,)	Case No. 5:23-cv-443-RMG
)	
Plaintiff,)	
)	ORDER
v.)	
)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

This matter is before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge (Dkt. No. 7) recommending that Plaintiff be denied *in forma pauperis* status. Plaintiff seeks *in forma pauperis* status to avoid payment of a filing fee. Plaintiff has filed no objection to the R & R.

Plaintiff was given notice of his right to file objections to the R & R within 14 days of service and that failure to timely file specific written objections would waive the right to file an appeal of the judgment of the District Court based upon the R & R. (Dkt. No. 67-1). Plaintiff has filed no objections to the R & R.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where the plaintiff fails to file any specific objections, “a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in

order to accept the recommendation.” *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation omitted).

The R & R notes that Plaintiff has more than sufficient funds in his bank accounts to pay his filing fee and recommends the application for *in forma pauperis* status be denied. The Court finds that the Magistrate Judge correctly applied the applicable law to the facts. Consequently, the Court adopts the R & R as the order of the Court. The motion for *in forma pauperis* status (Dkt. No. 7) is denied. Plaintiff has 14 days to pay the required filing fee.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
United States District Judge

March 6, 2023
Charleston, South Carolina